

REMARKS

Applicants respectfully request reconsideration of the instant application in the view of the foregoing amendments and the following remarks. Claims 8, 20, 26, 28-30, and 32-37 are currently pending. Claims 1-7, 9-19, 21-25, 27, and 31 were previously cancelled without prejudice or disclaimer. Claims 8 and 20 are independent. Claims 8, 20, 28-29, 34, and 36 have been *amended* herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicants submit that the originally filed claims are patentable and reserve the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation application(s). Applicants submit that these new claims and/or claim amendments are supported throughout the originally filed specification, figures, claims, and abstract and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 101

The Office Action has rejected claims 8, 20, 26, 28-30, and 32-37 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully traverse this rejection. More specifically, it is alleged in the Office Action that "the claimed apparatus is non-statutory as it fails to include structural components..." and "the claimed method is non-statutory as it fails to include structural apparatus within the body of the claims." (December 19, 2008 Office Action, p. 2). Applicants submit that there is no test for non-statutory subject matter that subjectively precludes the aforementioned claims. MPEP §2106, Section IV, states "claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible for patent protection." MPEP §2106 also discusses "[w]hile abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and

products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be."

Applicants submit that the elements recited in noted claims are, in fact, directed to statutory subject matter and do not fall within the recognized Judicial Exceptions as merely abstract ideas (such as mathematical algorithms), natural phenomena, and/or laws of nature.

Though Applicants respectfully traverse the Examiner's rejection and reserve the right to argue patentability of the claims in their original form at a later time, Applicants have amended independent claims 8 and 20 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Amended claim 8 recites "a memory" and "a processor disposed in communication with said memory...and claim 20 recites, *inter alia*, a "processor implemented method" and "by a processor..."

Accordingly, for at least these reasons, Applicants submit that independent claims 8 and 20 are directed to statutory subject matter and withdrawal of this ground of rejections is requested.

Applicants submit claims 26, 28-30, and 32-37 which depend directly or indirectly from independent claims 8 and 20, are directed to statutory subject matter for at least the reasons discussed above. Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific explanation describing how claims 8 and 20 are allegedly directed to non statutory subject matter and provide specific citations that require a method claim to "include structural apparatus within the body of the claims" as stated in the Office Action (December 19, 2008 Office Action, p. 2).

Applicants submit that support for these amendments may be found throughout the originally filed specification, drawings, and claims, and that no new matter has been added by way of this amendment. Accordingly, for at least these reasons, Applicants submit that claims 8,

20, 26, 28-30, and 32-37 are directed to statutory subject matter and withdrawal of this ground of rejections is requested.

Claim Rejections — 35 USC § 112

Claims 8, 20, 26, 28-30, 32-37 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner has alleged that "[i]n the claims, a plurality of "windows" is vague and indefinite with respect to metes and bounds of a window" and "a workspace that varies according to a day of the week is vague and indefinite..." (December 19, 2008 Office Action, p. 2). Applicants respectfully traverse these rejections. Applicants submit that "a plurality of windows" and "a day of the week" are definite. MPEP 2173.02 states that the "examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." Further, MPEP 2173.02 states that "[i]f upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, **such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action.**" (Emphasis added).

Applicants submit that the Examiner has not distinctly pointed out which claims are rejected. Further, the Examiner has not given any analysis as to why the phrases "a plurality of windows" and "a day of the week" are vague and indefinite as required by the MPEP. MPEP 2173.02 states "[E]xaminers are encouraged to suggest claim language to applicants to improve

the clarity or precision of the language used, but **should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.**" (Emphasis added). Also MPEP 2173.02 states that the

"essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made."

The Office Action has not provided any such analysis for the rejected claims. Should the Examiner maintain the rejection, Applicants respectfully request clarification as to why the claims are indefinite. As such Applicants respectfully submit that the rejection of claims 8, 20, 26, 28-30, 32-37 under 35 U.S.C. 112 should be withdrawn.

Though Applicants respectfully traverse the Examiner's rejection and reserve the right to argue patentability of the claims in their original form at a later time, Applicants have amended dependent claims 34 and 36 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Applicants submit that support for these amendments may be found throughout the originally filed specification, drawings, and claims, and that no new matter has been added by way of this amendment. Accordingly, for these additional reasons, Applicants submit that claims 34 and 36 are definite and withdrawal of this ground of rejections is requested.

Claim Rejections — 35 USC § 102

Claims 8, 20, 26, 28-30, and 32-37 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Buist (U.S. Patent No. 6,408,282) (hereinafter "Buist"). Applicants respectfully

traverse these rejections and submit that Buist does not discuss every element of all the pending claims.

Independent claim 8 recites, *inter alia*,

a presentation layer further comprising at least one spatially arrangeable workspace;

...

wherein said intermediate component layer is comprised of a plurality of intermediate components selected from a predetermined group of intermediate components, wherein said selection occurs at least in part based upon the sub interface or sub interfaces chosen;

...

wherein said user preferences stored in said second intermediate component include at least one of: (i) a layout of at least one spatially arrangeable workspace; and (ii) a color scheme; wherein at least one spatially arrangeable workspace comprises a plurality of windows.

Applicants submit Buist does not discuss or render obvious at least these elements from independent claim 8. In the pending rejection, the Examiner alleges, "[g]iven its broadest reasonable interpretation, the figures clearly show separate windows. As to the limitation that the workspace varies according to the day of the week, as the workspace receives dynamic live feeds, it inherently includes this limitation." (December 19, 2008 Office Action, p. 3). Applicants submit that it is unclear which claims the Examiner is addressing in the rejection. Applicants respectfully request that the Examiner specifically indicate the claim elements being addressed substantively so that the Applicants can respond accordingly for each claim.

Further, the Office Action in rejecting the claims has not specifically addressed all claim elements. The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," [§ 2106 II(C), emphasis added] and, "*All words* in a claim must be considered in judging the patentability of that claim against the prior art." [§ 2143.03,

emphasis added]. Applicants respectfully request that every claim limitation be considered and addressed.

Further, claim 8 specifically recites "a presentation layer further comprising at least one spatially arrangeable workspace...said intermediate component layer is comprised of a plurality of intermediate components selected from a predetermined group of intermediate components, wherein said selection occurs at least in part based upon the sub interface... chosen...wherein at least one spatially arrangeable workspace comprises a plurality of windows." Applicants submit that at least these claim limitations are not discussed or rendered obvious by Buist's system, which describes trading securities and a singular display screen. The Office Action has not cited any specific portions of Buist to make a *prima facie* case of anticipation. The Office Action states that "[g]iven its broadest reasonable interpretation, the figures clearly show separate windows." However, Buist simply discusses the "master trade screen display enables a user to view critical information necessary to make an effective decision concerning the status of the market in a stock." (Buist, col. 15, lines 54-57). However, this master trade screen is a singular display screen which different from the claimed "**a presentation layer further comprising at least one spatially arrangeable workspace** ...said intermediate component layer is comprised of a plurality of intermediate components selected from a predetermined group of intermediate components, wherein said selection occurs at least in part based upon the sub interface... chosen... wherein at least one spatially arrangeable workspace comprises a plurality of windows" as recited in claim 8. Further, no figures in Buist show "**a presentation layer further comprising at least one spatially arrangeable workspace...**" as recited in claim 8.

As such, Applicants submit that claim 8 is not anticipated by Buist. Further because the pending rejection has not established a *prima facie* case of anticipation by neglecting claim

elements and the cited reference does not discuss or render obvious at least the claim elements described above, Applicants respectfully request reconsideration and withdrawal of this basis of rejection. Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly anticipated by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference.

Although of different scope than independent claim 8, Applicants submit that independent claim 8 is patentably distinct from Buist for at least similar reasons to those discussed above identifying deficiencies in the cited reference with respect to independent claim 8.

Furthermore, Applicants submit that claims 26, 28-30, and 32-37 which depend directly or indirectly from independent claims 8 and 20 are also patentably distinct from the cited reference for at least similar reasons to those deficiencies discussed above in the cited reference with respect to independent claim 8. The Office Action states "[a]s to the limitation that the workspace varies according to the day of the week, as the workspace receives dynamic live feeds, it inherently includes this limitation." (December 19, 2008 Office Action, p. 3). The Examiner has not listed the specific claims being addressed with this limitation but Applicants note that this limitation is in claims 34 and 36.

Applicants respectfully traverse this rejection. Amended dependent claims 34 and 36 recite "said user preference for said layout of said at least one spatially arrangeable workspace prescribes a spatially arrangeable workspace layout that varies according to a trading event for a day of the week." Receiving "dynamic live feeds" does not inherently include the claimed "user

preference for said layout of said at least one spatially arrangeable workspace prescribes a spatially arrangeable workspace layout that varies according to a trading event for a day of the week" as recited in claims 34 and 36. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections for these claims as well.

Conclusion

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicants respectfully submit that the supporting remarks and claimed inventions, claims 8, 20, 26, 28-30, and 32-37, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicants believe that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicants assert that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and distinguish over any such remaining claim elements and/or bases for rejection at a later time should it become necessary. Further, any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that

there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such reassertion of remarks. As such, Applicants do not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17209-328. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17209-328. In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
CHADBOURNE & PARKE LLP

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By: /Walter G. Hanchuk/
Walter G. Hanchuk
Registration No.: 35,179

Correspondence Address:

CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112
212-408-5100 Telephone
212-541-5369 Facsimile